



Utah Sentencing Commission

Sentencing and Penalty Changes 2013

Wednesday, June 19, 2013

Purpose-Duties §63M-7-404

The purpose of the commission shall be to develop guidelines and propose recommendations to the Legislature, the Governor, and the Judicial Council about the sentencing and release of juvenile and adult offenders....



Philosophical Approach

The Commission promotes sentencing policies that: punish the offender, protect and compensate victims and society, and reduce the likelihood of future criminal conduct through the use of appropriate and evidence-based rehabilitation and incapacitation.

Penalties §76-3-103, §76-3-104, §76-3-105

- Capital felonies
- 1st Degree felony
- 2nd Degree felony
- 3rd Degree felony
- Class A Misdemeanor
- Class B Misdemeanor
- Class C Misdemeanor
- Infraction



Incarceration §76-2-203, §76-2-204, §76-2-205

- Capital felonies
- 1st Degree felony 5 years to life
- 2nd Degree felony 1 to 15 years
- 3rd Degree felony 0 to 5 years
- Class A Misdemeanor Up to 1 year
- Class B Misdemeanor Up to 6 months
- Class C Misdemeanor Up to 90 days
- Infraction



Statutory Fines §76-3-301

Unless otherwise specified in statute

- Capital felonies
- 1st Degree felony Up to \$10,000
- 2nd Degree felony Up to \$10,000
- 3rd Degree felony Up to \$5,000
- Class A Misdemeanor Up to \$2,500
- Class B Misdemeanor Up to \$1,000
- Class C Misdemeanor Up to \$750
- Infraction Up to \$750

- Plus the additional surcharge and security fees §51-9-401



2013 Totals *

| New 1 st Degree Felonies | New 2 nd Degree Felonies | New 3 rd Degree Felonies | New Class A Misdemeanors | New Class B Misdemeanors | New Class C Misdemeanors | New Infractions | New Fines or Fees | Anticipated Prison Admissions per year | Anticipated Fiscal Impact ^a |
|---|--|---|--------------------------------|--------------------------------|--------------------------------|--------------------|----------------------------|---|---|
| 3 2 new 15 to life 1 1 st increased to 15 to life 1 reduced to 2 nd | 6 | 10 new 1 repealed | 10 | 11 new 1 repealed | 2 new 4 repealed | 2 | 6 | 3 | \$458,900 |
| 2012 Totals | | | | | | | | | |
| 1 | 12 | 16 | 13 | 26 | 6 | 1 | 4 | | \$1,780,400 |
| 2011 Totals | | | | | | | | | |
| | 10 | 4 | 2 | 11 | 1 | | | 7.3 | \$6,663,850 |
| 2010 Totals | | | | | | | | | |
| 1 | 3 | 4 | 6 | 14 | 4 | | 4 | | \$918,000 |
| 2009 Totals | | | | | | | | | |
| | 1 | 7 | 9 | 10 | 4 | 2 | ° | 1 | \$301,700 |

* New Crime totals include penalties increased or decreased from a previously existing penalty.

* The anticipated fiscal impact predicts costs to state agencies in only the fiscal year indicated and does not include ongoing costs or the costs to county or local governments.

* Information regarding new fines or fees to offenders was not tracked in these years.

New Crimes*

- Protection of Children Riding in Motor Vehicles (HB 19)
- Dating Violence Protective Order (HB 50)
- Wireless Telephone Use Restrictions (HB 103)
- Construction Trades Licensing Revisions (SB 44)
- Vulnerable User of Highways Amendments (SB 104)

*These are examples only. This is not intended to be a complete list of new offenses.



Enhancement Types*

- Repeat offenses- DUI, theft, domestic violence
- Special conditions- prostitution, theft
- Locations- drug offenses
- Relationships- securities act
- Status of victim- assault, sex offenses

*These are examples only. This is not intended to be a complete list of enhancements.



New Enhancements*

- Attempted Aggravated Murder With Serious Bodily Injury (HB 87)
- Arson Penalties Amendments (HB 102)
- Human Trafficking Amendments (HB 163)
- Assault Amendments (SB 131)
- Patronizing a Prostitute Amendments (SB 160)

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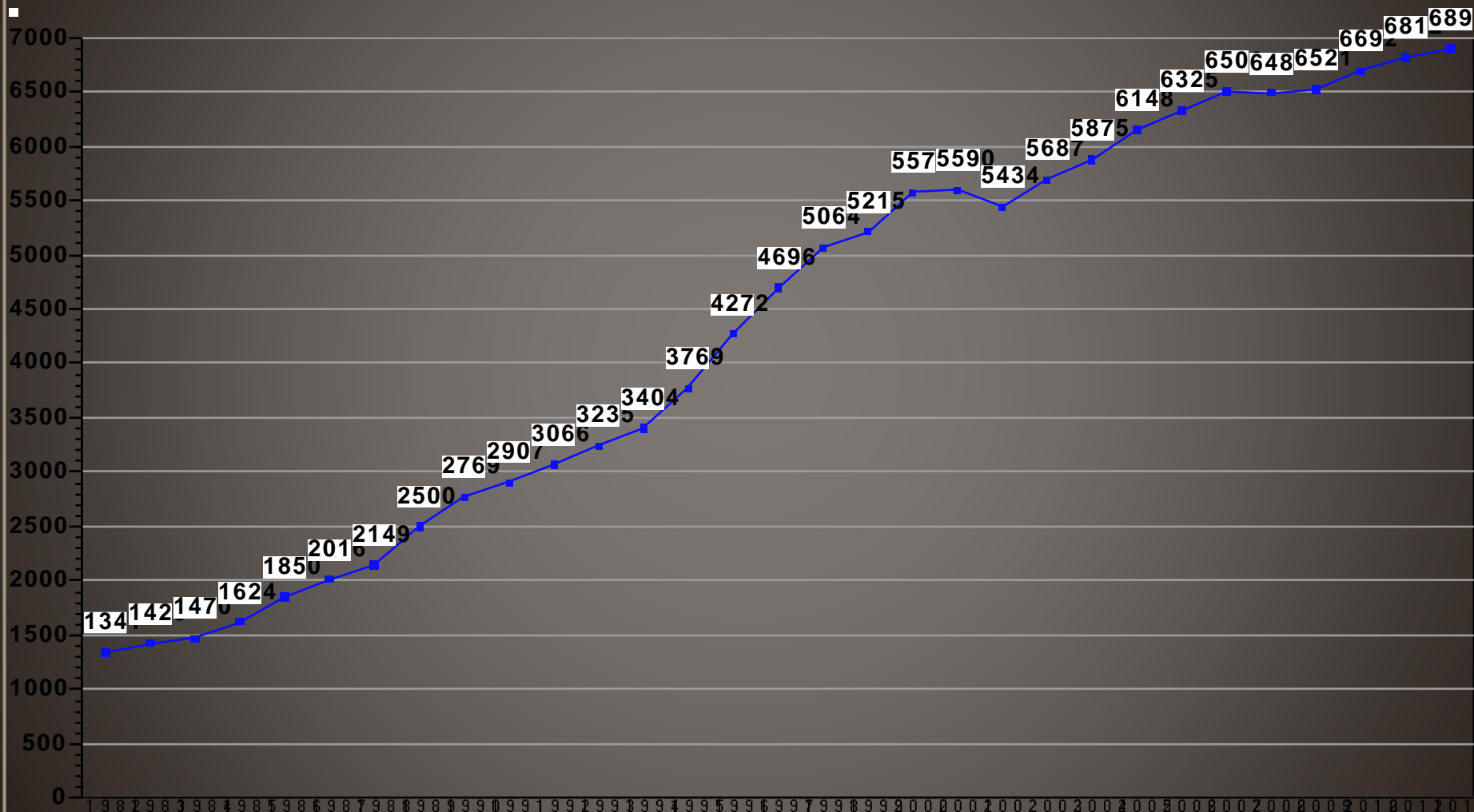
Adding elements

- Creates a new offense for each penalty level
 - Controlled Substances Revisions (HB 52)
 - Sexual Exploitation amendments (HB 282)
 - Propelling a Bodily Substance Amendments
 - (SB 97, 98)

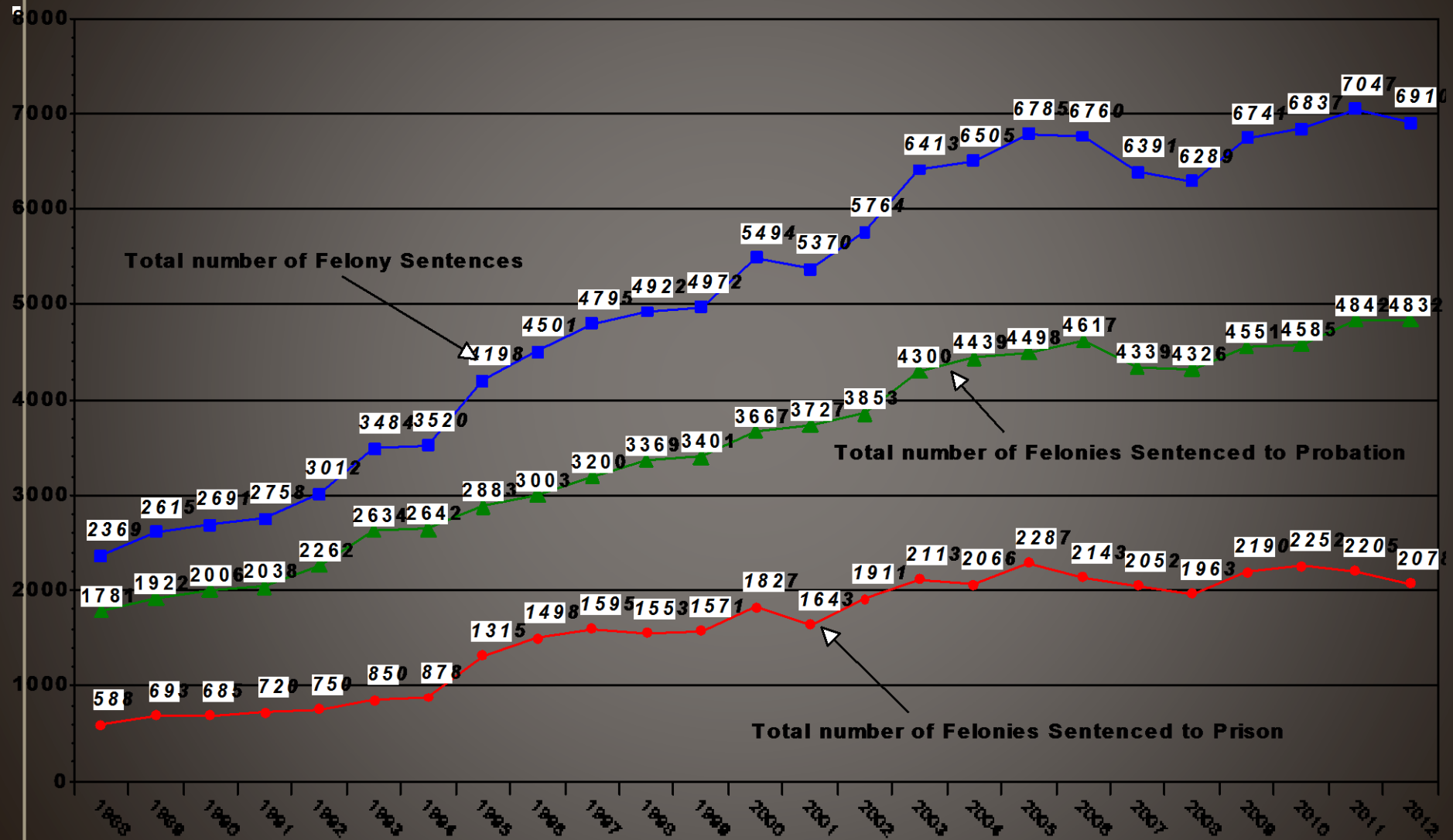
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Average Yearly Incarcerated Population 1982 - 2012



Felony Sentencing 1988 - 2012



Sentencing Matrix

| | | CRIME CATEGORY | | | | | | | | | | | |
|------------------|-----|-------------------|------------------|------------------|-------------------|------------------|------------------|-------------------|-------------------|------------------|----------------------|------------------|-----------------------|
| | | A | B | C | D | E | F | G | H | I | J | K | L |
| | | 1st Degree Murder | 1st Degree Death | 2nd Degree Death | 1st Degree Person | 3rd Degree Death | 1st Degree Other | 2nd Degree Person | 3rd Degree Person | 2nd Degree Other | 2nd Dgree Possession | 3rd Degree Other | 3rd Degree Possession |
| CRIMINAL HISTORY | V | 24 YRS | 10 YRS | * | 10 YRS | 48 MOS | 84 MOS | 60 MOS | 36 MOS | 30 MOS | 20 MOS | 20 MOS | 18 MOS |
| | IV | 22 YRS | 9 YRS | * | 9 YRS | 42 MOS | 78 MOS | 48 MOS | 30 MOS | 24 MOS | 18 MOS | 18 MOS | 16 MOS |
| | III | 20 YRS | 8 YRS | * | 8 YRS | 36 MOS | 72 MOS | 36 MOS | 24 MOS | 20 MOS | 16 MOS | 12 MOS | 12 MOS |
| | II | 20 YRS | 7 YRS | * | 7 YRS | 24 MOS | 66 MOS | 30 MOS | 20 MOS | 18 MOS | 14 MOS | 10 MOS | 10 MOS |
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* The statutory range for this category is 1 to 15 years. The Board of Pardons and Parole will consider all aggravating and mitigating factors in determining length of stay. Because the facts of the cases in this crime category are widely divergent, and criminal history is less determinative than in other categories, a single guideline recommendation, in this category, is not helpful in determining length of stay of an offender.

Average Length of Stay

2012

| | |
|--------------------------------|--------------|
| 3 rd Degree Drug: | 13.03 Months |
| 3 rd Degree Other: | 17.3 Months |
| 3 rd Degree Person: | 29.4 Months |
| 3 rd Degree Sex: | 49.93 Months |



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Average Length of Stay

2012

| | |
|--------------------------------|--------------|
| 3 rd Degree Person: | 29.4 Months |
| 2 nd Degree Person: | 56.72 Months |
| 1 st Degree Person: | 90.16 Months |

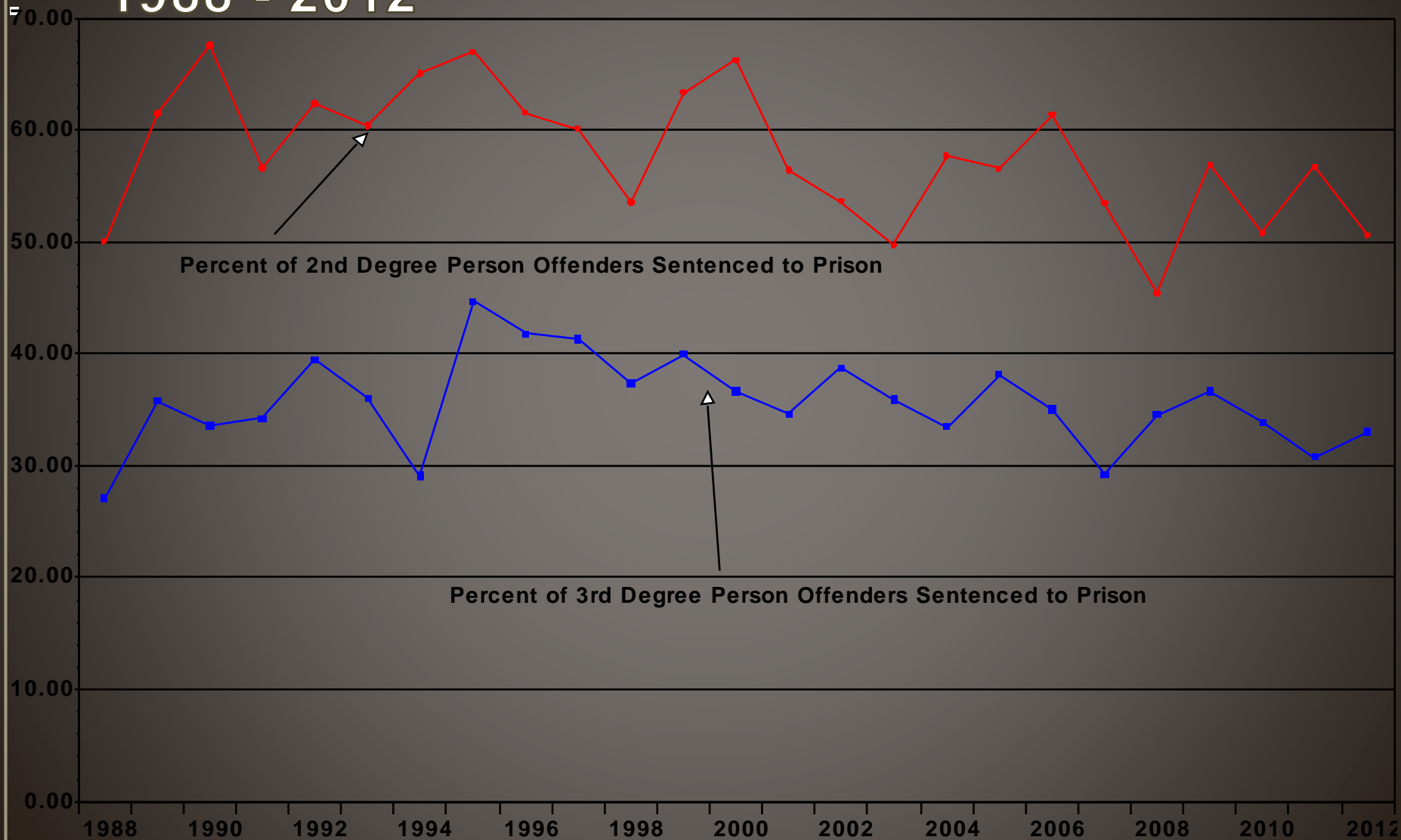


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Percent 2nd and 3rd Person to Prison 1988 - 2012



Attempted aggravated murder with serious bodily injury

| | | CRIME CATEGORY | | |
|------------------|-----|------------------|------------------|-----------------|
| | | A | B | C |
| CRIMINAL HISTORY | V | 15 Years to Life | 10 Years to Life | 6 Years to Life |
| | IV | 21 YRS | 14 YRS | 100 MOS |
| | III | 20 YRS | 13 YRS | 95 MOS |
| | II | 18 YRS | 12 YRS | 90 MOS |
| | I | 17 YRS | 138 MOS | 85 MOS |
| | | 16 YRS | 11 YRS | 80 MOS |

IMPRISONMENT

www.sentencing.utah.gov

